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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,693	02/25/2002	Kouichi Oda	111480	8358
25944	7590	11/25/2003	EXAMINER	
OLIFF & BERRIDGE, PLC			GREENE, JASON M	
P.O. BOX 19928			ART UNIT	
ALEXANDRIA, VA 22320			PAPER NUMBER	

1724

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,693

Applicant(s)

ODA ET AL.

Examiner

Jason M. Greene

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 6, 7, 11 and 13-17 is/are allowed.
- 6) ☒ Claim(s) 1, 8-10, 12 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Response to Arguments

1. Applicant's arguments filed 04 September 2003 have been fully considered but they are not persuasive.
2. Applicants have inserted the limitation that a filter portion forming surface of the mold is formed with a mesh into independent claims 1, 10, and 12. However, this additional limitation does not distinguish the claimed invention from Japanese Published Patent Application JP 8-38834. As noted in the previous action, the mold of JP 8-38834 is formed by a layer of media formed by depositing a plurality of semi-molten fibers onto a surface. Therefore, the mold is seen as being formed with a mesh since the media layer is formed with spaces between adjacent fibers.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Published Patent Application JP 8-38834.

With regard to claim 1, JP 8-38834 discloses a filter formed by spinning fiber (13) in a semi-molten state onto a mold (11,12), wherein the filter includes the mold as a filter structural member and a filter portion forming surface of the mold is formed with a mesh in Figs. 1-7 and page 1, line 1 to page 6, line 36 of the English language translation. The filter of JP 8-38834 is formed by depositing three layers (11,12,13) of semi-molten fibers successively onto a support element (2). Although the filter element formed by the three layers of fiber is removed from the support element, the first (11) and second (12) layers are seen as forming the mold for the third layer since the third layer is deposited onto the first and second layers. Additionally, since the first (11) and second (12) layers are formed by depositing a plurality of semi-molten fibers onto a surface, the first and second layers are seen as being formed with a mesh wherein the spaces between the fibers form the openings in the mesh.

With regard to claim 8, JP 8-38834 discloses the mold (12) and the fiber (13) being formed from the same material (polyester) in page 4, lines 6-12 of the English language translation.

With regard to claim 9, JP 8-38834 discloses the fiber (13) being deposited at a constant thickness onto the mold (12) in Figs. 1B, 3, and 6C.

5. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Published Patent Application JP 8-38834.

JP 8-38834 discloses a filter comprising a mold (11,12), and fiber spun in a semi-molten state onto the mold, wherein the mold remains attached to spun fiber and functions as a structural member of the filter and a filter portion forming surface of the mold is formed with a mesh in Figs. 1-7 and page 1, line 1 to page 6, line 36 of the English language translation. The filter of JP 8-38834 is formed by depositing three layers (11,12,13) of semi-molten fibers successively onto a support element (2). Although the filter element formed by the three layers of fiber is removed from the support element, the first (11) and second (12) layers are seen as forming the mold for the third layer since the third layer is deposited onto the first and second layers. Additionally, since the first (11) and second (12) layers are formed by depositing a plurality of semi-molten fibers onto a surface, the first and second layers are seen as being formed with a mesh wherein the spaces between the fibers form the openings in the mesh.

6. Claims 12 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Published Patent Application JP 8-38834.

With regard to claim 12, JP 8-38834 discloses a method for manufacturing a filter comprising the steps of spinning a fiber (13) in a semi-molten state onto a mold (12,13),

and maintaining the mold attached to the spun fiber such that the mold functions as a filter structural member of the filter, wherein a filter portion forming surface of the mold is formed with a mesh in Figs. 1-7 and page 1, line 1 to page 6, line 36 of the English language translation. The filter of JP 8-38834 is formed by depositing three layers (11,12,13) of semi-molten fibers successively onto a support element (2). Although the filter element formed by the three layers of fiber is removed from the support element, the first (11) and second (12) layers are seen as forming the mold for the third layer since the third layer is deposited onto the first and second layers. Additionally, since the first (11) and second (12) layers are formed by depositing a plurality of semi-molten fibers onto a surface, the first and second layers are seen as being formed with a mesh wherein the spaces between the fibers form the openings in the mesh.

With regard to claim 18, JP 8-38834 discloses the mold (12) and the fiber (13) being formed from the same material (polyester) in page 4, lines 6-12 of the English language translation.

With regard to claim 19, JP 8-38834 discloses the fiber (13) being deposited at a constant thickness onto the mold (12) in Figs. 1B, 3, and 6C.

With regard to claim 20, JP 8-38834 discloses the mold being heated prior to spinning the fiber in a semi-molten state onto the mold in Figs. 1-7 and page 1, line 1 to page 6, line 36 of the English language translation. Since the mold (12) is formed by

spinning semi-molten polymeric fibers, the mold is seen as being heated prior to spinning the fiber in a semi-molten state onto the mold. Since the fibers forming the mold are deposited only momentarily before the fibers (13), the mold is seen as still being hot when the fibers (13) are deposited on the mold (12).

Allowable Subject Matter

7. Claims 2-4, 6, 7, 11, and 13-17 are allowed.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (703) 308-6240. The examiner can normally be reached on Tuesday - Friday (7:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (703) 308-1261. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jason M. Greene
Examiner
Art Unit 1724



jmg
November 18, 2003

DUANE SMITH
PRIMARY EXAMINER

D. Smith
11-19-03